

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 307 be amended to read as follows:

- 1 Page 27, delete lines 4 through 42, begin a new paragraph and
- 2 insert:
- 3 "SECTION 50. IC 23-15-1-1 IS AMENDED TO READ AS
- 4 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 1. (a) Except as
- 5 otherwise provided in section 2 of this chapter:
- 6 (1) a person conducting or transacting business in Indiana under
- 7 a name, designation, or title other than the real name of the person
- 8 conducting or transacting such business;
- 9 (2) a corporation conducting business in Indiana under a name,
- 10 designation, or title other than the name of the corporation as
- 11 shown by its articles of incorporation;
- 12 (3) a foreign corporation conducting business in Indiana under a
- 13 name, designation, or title other than the name of the foreign
- 14 corporation as shown by its application for certificate of authority
- 15 to transact business in Indiana;
- 16 (4) a limited partnership conducting business in Indiana under a
- 17 name, designation, or title other than the name of the limited
- 18 partnership as shown by its certificate of limited partnership;
- 19 (5) a foreign limited partnership conducting business in Indiana
- 20 under a name, designation, or title other than the name of the
- 21 limited partnership as shown by its application for registration;
- 22 (6) a limited liability company conducting business in Indiana
- 23 under a name, designation, or title other than as shown by its
- 24 articles of organization;

1 (7) a foreign limited liability company conducting business in
2 Indiana under a name, designation, or title other than the name of
3 the limited liability company as shown by its application for
4 registration;

5 (8) a limited liability partnership conducting business in Indiana
6 under a name, designation, or title other than the name of the
7 limited liability partnership as shown by its application for
8 registration; and

9 (9) a foreign limited liability partnership conducting business in
10 Indiana under a name, designation, or title other than the name of
11 the limited liability partnership as shown by its application for
12 registration;

13 shall file for record, in the office of the recorder of each county in
14 which a place of business or an office of the person, limited
15 partnership, foreign limited partnership, limited liability company,
16 foreign limited liability company, corporation, or foreign corporation
17 is situated, a certificate stating the assumed name or names to be used,
18 and, in the case of a person, the full name and address of the person
19 engaged in or transacting business, or, in the case of a corporation,
20 foreign corporation, limited liability company, foreign limited liability
21 company, limited partnership, or foreign limited partnership, the full
22 name and the address of the corporation's, limited liability company's,
23 or limited partnership's principal office in Indiana.

24 (b) The recorder shall keep a record of the certificates filed under
25 this section and shall keep an index of the certificates showing, in
26 alphabetical order, the names of the persons, the names of the
27 partnerships, the names of the limited liability companies, the corporate
28 names of the corporations having such certificates on file in the
29 recorder's office, and the assumed name or names which they intend to
30 use in carrying on their businesses as shown by the certificates.

31 (c) Before the dissolution of any business for which a certificate is
32 on file with the recorder, the person, limited liability company,
33 partnership, or corporation to which the certificate appertains shall file
34 a notice of dissolution for record in the recorder's office.

35 (d) The county recorder shall charge a fee in accordance with
36 IC 36-2-7-10 for each certificate, notice of dissolution, and notice of
37 discontinuance of use filed with the recorder's office and recorded
38 under this chapter. The funds received shall be receipted as county
39 funds the same as other money received by the recorders.

40 (e) A corporation, limited liability company, or limited partnership
41 subject to this chapter shall, in addition to filing the certificate provided
42 for in subsection (a), file with the secretary of state a copy of each
43 certificate.

44 (f) A person, partnership, limited liability company, or corporation
45 that has filed a certificate of assumed business name or names under
46 subsection (a) or (e) may file a notice of discontinuance of use of

1 assumed business name or names with the secretary of state and with
 2 the recorder's office in which the certificate was filed or transferred.
 3 The secretary of state and the recorder shall keep a record of notices
 4 filed under this subsection.

5 (g) A corporation or limited partnership, domestic or foreign, that
 6 is subject to this chapter and that does not have a place of business or
 7 an office in Indiana, shall file the certificate required under subsection
 8 (a) in the office of the recorder of the county where the corporation's or
 9 limited partnership's registered office is located. The certificate must
 10 state the assumed name or names to be used, the name of the registered
 11 agent, and the address of the registered office. The corporation or
 12 limited partnership must comply with the requirements in subsection
 13 (e).

14 (h) The secretary of state shall collect the following fees when a
 15 copy of a certificate is filed with the secretary of state under subsection
 16 (e):

17 (1) A fee of:

18 **(A) twenty dollars (\$20) for an electronic filing; or**

19 **(B) thirty dollars (\$30) for a filing other than an electronic**
 20 **filing;**

21 from a corporation (other than a nonprofit corporation), limited
 22 liability company, or a limited partnership.

23 (2) A fee of:

24 **(A) ten dollars (\$10) for an electronic filing; or**

25 **(B) twenty-six dollars (\$26) for a filing other than an**
 26 **electronic filing;**

27 from a nonprofit corporation.

28 **The secretary of state shall prescribe the electronic means of filing**
 29 **certificates for purposes of collecting fees under this subsection. A**
 30 **fee collected under this subsection is in addition to any other fee**
 31 **collected by the secretary of state."**

32 Delete page 28.

33 Page 29, delete lines 1 through 18.

34 Page 34, delete lines 40 through 42.

35 Page 35, delete lines 1 through 4.

36 Renumber all SECTIONS consecutively.

(Reference is to ESB 307 as printed February 15, 2008.)

Representative Harris T